

S/N 10/714,566

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Field et al.

Examiner: Kien T. Nguyen

Serial No.: 10/714,566

Group Art Unit: 3714

Filed: November 14, 2003

Docket No.: 1721.004US1

Title: INFLATABLE SLIDE OR BOUNCER

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Office Action mailed on August 10, 2005. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a 3-month extension of the period for responding to the Office Action, thereby moving the deadline for response from November 10, 2005 to February 10, 2006.

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) An apparatus comprising:
a first inflatable section having an interior open to an airflow from a continually running blower which provides support for the first inflatable section, the apparatus of a type such that the apparatus is safely usable as long as the blower is continually running;
a second inflatable section attached to a first side of the first inflatable section and having an interior that is substantially separated from the interior of the first inflatable section; and
a third inflatable section attached to a second side of the first inflatable section and having an interior that is substantially separated from the interior of the first inflatable section, wherein the second inflatable section and the third inflatable section are configured such that if the airflow into the first inflatable section from the blower is stopped the second inflatable section and the third inflatable section will not deflate as fast as the first inflatable section, wherein the second inflatable section and the third inflatable section provide support to the first inflatable section when the airflow into the first inflatable section from the blower is stopped.
2. (Original) The apparatus of claim 1, wherein the first inflatable section includes a top surface defining a slide.
3. (Previously Presented) The apparatus of claim 2, wherein the second inflatable section supports the first inflatable section at substantially the full height of the first inflatable section when the airflow is stopped.
4. (Original) The apparatus of claim 1, wherein the airflow into the second section flows through seam-holes between the first and second section.

5. (Original) The apparatus of claim 1, wherein the second inflatable section includes a lower surface resting on a ground surface and a side surface attached at least half-way up a side of the first inflatable section.
6. (Previously Presented) An apparatus comprising a second inflatable section of an inflatable amusement or advertising unit supporting a first inflatable section, the first inflatable section including a slide having a height of at least 15 feet, wherein the second inflatable section is adapted to deflate more slowly than the first inflatable section when a source of airflow to the inflatable unit is interrupted or stopped such that the slide is supported by the second inflatable section.
7. (Original) The apparatus of claim 6, wherein the first inflatable section is directly coupled to a blower to receive a continual air-flow from the blower.
8. (Original) The apparatus of claim 7, including a wall between the first and second inflatable sections, wherein the second inflatable section receives a portion of the airflow through holes at a seam between the first section and the second section.
9. (Previously Presented) The apparatus of claim 6, wherein the first inflatable section is a central portion of the inflatable amusement or advertising unit and the second section is on a side of the first inflatable section.
10. (Original) The apparatus of claim 6, including a third inflatable section for supporting the first inflatable section, wherein the third inflatable section is adapted to deflate more slowly than the first inflatable section when a source of airflow to the inflatable unit is interrupted or stopped.
11. (Currently Amended) An apparatus comprising:
an inflatable structure of a type that constantly leaks air, the inflatable structure having a height of at least 15 feet and adapted to be supported by airflow of a continually running blower such that the inflatable structure is safely usable as long as the blower is running; and

means to at least temporarily support the inflatable structure at substantially its full height if the airflow from the blower into the inflatable structure is reduced to a level that does not support the inflatable structure.

12. (Original) The apparatus of claim 11, wherein the inflatable structure includes an upper surface defining a slide.

13. (Original) The apparatus of claim 11, wherein means to at least temporarily support includes a second inflatable structure coupled to the inflatable structure that is not open to the airflow.

14. (Currently Amended) An apparatus comprising:

an inflatable structure having a first inflatable portion defining a slide having a height of at least 15 feet and a stairway extending to the top of the slide, the first inflatable portion having an interior volume open to an air-flow from a blower and adapted to be pressurized by the blower running continually such that the inflatable structure is safely usable as long as the blower is running, the inflatable structure including a second inflatable portion attached to the first inflatable portion and having a bottom surface resting on a ground surface and a top section attached to the first inflatable portion at a height at least half-way up the first inflatable portion, the second inflatable portion not having direct communication with the airflow such that the second inflatable portion inflates slower than the first inflatable portion and also deflates slower than the first inflatable portion, wherein if the airflow from the blower is stopped or reduced the second inflatable portion will at least temporarily support the first inflatable portion.

15. (Original) The apparatus of claim 14, wherein the second inflatable portion receives a portion of the airflow through holes at a seam between the first inflatable portion and the inflatable portion section.

16. (Original) The apparatus of claim 14, including a third inflatable portion attached to the first inflatable portion, the third inflatable portion not having direct communication with the airflow.

17. (Currently Amended) An apparatus comprising an inflatable amusement or advertising structure adapted for inflation by a substantially continuous airflow from a blower such that the inflatable structure is safely usable only as long as the blower is running, the structure including at least two inflatable sections wherein a first one of the inflatable sections is positioned and adapted to: a) remain inflated longer than the other inflatable section after airflow from the blower is interrupted, and b) provide support for the other inflatable section so as to support the other inflatable section up to substantially its full height even as the other inflatable section deflates.

18. (Original) The apparatus of claim 17, wherein the apparatus includes an inflatable slide.

19. (Original) The apparatus of claim 18, wherein the structure includes a third inflatable section which is also adapted to: a) remain inflated longer than the other inflatable section after airflow from the blower is interrupted, and b) provide support the other inflatable section even as the other inflatable section deflates.

20. (Previously Presented) A method comprising supporting a first inflatable section of an inflatable amusement or advertising structure up to substantially its full height using a second inflatable section adapted to deflate more slowly than the first inflatable section when a source of continual airflow to the inflatable structure is interrupted or stopped.

21. (Original) The method of claim 20, wherein the airflow to the structure is delivered by a continually running blower.

22. (Currently Amended) A method comprising:

inflating and supporting an inflatable slide structure to a height of at least 15 feet with an airflow from a continually running blower; and

at least temporarily supporting the inflatable slide structure at substantially a full height of the slide structure if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure.

23. (Original) The method of claim 22, wherein at least temporarily supporting includes providing a separate inflatable section of the inflatable structure that does not include a direct opening to the airflow.

REMARKS

This responds to the Office Action mailed on August 10, 2005.

Claims 1, 11, 14, 17, and 22 are amended. Claims 1-23 are pending in this application.

§103 Rejection of the Claims

Claims 1-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon (U.S. 6,558,264) in view of Blair et al. (U.S. 5,462,505).

Claims 1-5

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner and since, even if combined, the combination does not include each limitation recited in the claim.

For instance, Applicant cannot find in the combination: a first inflatable section, a second inflatable section attached to a first side of the first inflatable section, and a third inflatable section attached to a second side of the first inflatable section, “wherein the second inflatable section and the third inflatable section are configured such that if the airflow into the first inflatable section from the blower is stopped the second inflatable section and the third inflatable section will not deflate as fast as the first inflatable section, wherein the second inflatable section and the third inflatable section provide support to the first inflatable section when the airflow into the first inflatable section from the blower is stopped,” as recited in claim 1.

Moreover, the Examiner again asserts that “it would have been obvious to provide the apparatus of Gordon with a blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.” (Page 3 of Office Action). Applicant traverses since the Gordon reference teaches away from such a modification. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994)

Here, the Gordon reference discusses an inflatable wedge for use with a water slide. The wedge is used by a child or adult running and jumping onto the wedge and sliding down the

wedge onto a water slide. (Abstract). The wedge is described as a plastic, air-tight member, being approximately forty to fifty inches wide, six to nine feet long, and thirty to thirty-six inches high. (Col. 3, lines 19-23). Such an air-tight plastic wedge of about 3 feet high would not work with a continually running blower, as recited in the claim. The Office Action states: "At a period of the blower of Gordon, it is considered at that time that the blower is continually running." Applicant has clarified the claimed subject matter to now recite: "the apparatus of a type such that the apparatus is safely usable as long as the blower is continually running." Applicant believes this clarifies that the inflatable apparatus of the claim utilizes a blower for more than just inflation but also for support as long as the blower is running. Again, if a continually running blower were attached to the Gordon device *while it was in use*, the air-tight plastic wedge would explode. The Gordon device is inflated and kept inflated by filling chambers with air and closing off a valve trapping the air.

An inflatable that utilizes a continually running blower, such that the apparatus is safely usable as long as the blower is continually running, as claimed, needs continual airflow because it constantly leaks air and requires constant air to maintain the support system. In contrast, the Gordon device is a relatively small, airtight structure, with no need of a continual airflow, and not capable of receiving a continual airflow. Accordingly, the Gordon reference teaches away from being used with a "continually running blower," as recited claim 1. Again, if such a blower were put on the Gordon device, the Gordon device would explode. This is not enhancing the safety for the user, as asserted by the Office Action.

Furthermore, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. As noted above, putting a continually running blower on the Gordon device would make it unsatisfactory for its intended purpose.

Claims 2-5 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 6-10

Applicant believes claim 6 is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the combination an apparatus including a first inflatable section including a slide having a height of at least 15 feet, wherein a second inflatable section is adapted to deflate more slowly than the first inflatable section when a source of airflow to the inflatable unit is interrupted or stopped such that the slide is supported by the second inflatable section.

The Office Action asserts that the height of the slide, as claimed, is a mere design choice and states that “Gordon disclosed that the inflatable wedge may be used by adults (see Abstract). Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.” (Page 3 of Office Action).

However, Applicant notes that the recited limitation recites “a slide having a height of at least 15 feet.” Gordon’s slide is described as being used by a child or adult running and jumping onto the wedge and sliding down the wedge onto a water slide. Not even an adult could jump onto a 15 foot water slide. Such a height is not contemplated or suggested by the Gordon reference and would not be within the mind of any designer as a design choice.

Applicant notes that the claimed inflatable slide is not a mere scaling up of the Gordon slide. If the Gordon slide were relatively sized up it simply would not work as intended and would not perform as the inflatable slide of the claimed invention. (See MPEP 2144.04.IV.A.)

Claims 7-10 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 11-13

Applicant has amended claim 11 to better describe the subject matter recited in the claim. Applicant believes claim 11 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner and since, even if combined, the combination does not include each limitation recited in the claim.

For instance, Applicant cannot find in the combination: “an inflatable structure having a height of at least 15 feet” and “adapted to be supported by airflow of a continually running

blower such that the inflatable structure is safely usable as long as the blower is running,” and means to at least temporarily support the inflatable structure “at substantially its full height” if the airflow from the blower into the inflatable structure is reduced to a level that does not support the inflatable structure, as recited in claim 11.

The Examiner asserts that “it would have been obvious to provide the apparatus of Gordon with a blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.” Applicant traverses. As discussed above for claim 1, the Gordon device is an air-tight plastic wedge of about 3 feet high and would not work with a continually running blower such that the inflatable structure is safely usable as long as the blower is running. If such a blower were attached to the Gordon device, the air-tight plastic wedge would explode. The Gordon device is a relatively small, airtight structure, with no need of a continual airflow, and not capable of receiving a continual airflow as it is being used. Accordingly, the Gordon reference teaches away from being used with a continually running blower, as recited claim 11. Again, if such a blower were put on the Gordon device, the Gordon device would explode.

Applicant has amended claim 11 to further clarify this distinction by reciting: “an inflatable structure having a height of at least 15 feet and adapted to be supported by airflow of a continually running blower such that the inflatable structure is safely usable as long as the blower is running.”

Furthermore, Applicant believes that even if combined, the combination would not include means to at least temporarily support the inflatable structure at substantially its full height if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure, as recited in claim 11. In contrast, in the Blair reference, the inner sections (90, 92) would, at most, support side chambers (18, 28). (FIG. 4). However, the side columns 14 would fall down if the airflow was stopped.

Claims 12-13 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 14-16

Applicant has amended claim 14 to better describe the subject matter recited in the claim. Applicant believes claim 14 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner and since, even if combined, the combination does not include each limitation recited in the claim.

As noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the Gordon device to explode.

Applicant has amended claim 14 to further clarify this distinction by reciting: “the first inflatable portion having an interior volume open to an air-flow from a blower and adapted to be pressurized by the blower running continually such that the inflatable structure is safely usable as long as the blower is running.”

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable structure having a first inflatable portion defining a slide having a height of at least 15 feet and a stairway extending to the top of the slide, as recited in claim 14. Again, Gordon teaches away from such a structure by describing a thirty to thirty-six inch wedge that is for being jumped upon. In no fashion does Gordon give a suggestion to be modified to a height of at least 15 feet. As noted above, the Office Action asserts that the height of the slide is a mere design choice and states that “Gordon disclosed that the inflatable wedge may be used by adults (see Abstract). Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.” (Page 3 of Office Action). However, Applicant notes that the recited limitation recites “a slide having a height of at least 15 feet.” Gordon is described as being used by a child or adult running and jumping onto the wedge and sliding down the wedge onto a water slide. Not even an adult could jump onto a 15 foot water slide. Such a height is not contemplated or suggested by the Gordon reference and would not be within the mind of any designer as a design choice.

Applicant notes that the claimed inflatable slide is not a mere scaling up of the Gordon slide. If the Gordon slide were relatively sized up it simply would not work as intended and would not perform as the inflatable slide of the claimed invention. (See MPEP 2144.04.IV.A.)

Claims 15-16 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17-19

Applicant has amended claim 17 to better describe the subject matter recited in the claim. Applicant believes claim 17 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner and since, even if combined, the combination does not include each limitation recited in the claim.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode.

Applicant has amended claim 17 to further clarify this distinction by reciting: "structure adapted for inflation by a substantially continuous airflow from a blower such that the inflatable structure is safely usable only as long as the blower is running."

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable section positioned and adapted to: a) remain inflated longer than the other inflatable section after airflow from the blower is interrupted, and b) provide support for the other inflatable section so as to support the other inflatable section up to substantially its full height even as the other inflatable section deflates, as recited in claim 17. Again, at most the Blair structure would only support chambers (18, 28) and not the side columns.

Claims 18-19 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 20-21

Applicant believes claim 20 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode.

Furthermore, Applicant believes that even if combined, the combination would not include supporting a first inflatable section of an inflatable amusement or advertising structure up to substantially its full height using a second inflatable section adapted to deflate more slowly

than the first inflatable section when a source of continual airflow to the inflatable structure is interrupted or stopped, as recited in claim 20.

Claim 21 includes all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 22-23

Applicant has amended claim 22 to better describe the subject matter recited in the claim. Applicant believes claim 22 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner, and even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the combination: “inflating and supporting an inflatable slide structure to a height of at least 15 feet with an airflow from a continually running blower,” or “temporarily supporting the inflatable slide structure at substantially a full height of the slide structure if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure,” as recited in claim 22.

Moreover, as noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the air-tight Gordon device to explode. Claim 22 has been amended to clarify this distinction by reciting: “inflating and supporting an inflatable slide structure.”

Claim 23 includes all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ROBERT FIELD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 2/9/06

By Peter C. Maki
Peter C. Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of February, 2006.

John D. Gustav-Worthell

Name

John D. Gustav-Worthell
Signature